



**EXPRESS MAIL NO.: EV463245399US**

**Deposited On: February 3, 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Application No. : 10/676,475 Confirmation No.: 7525**  
**Applicant : Donald E. Weder, Joseph G. Straeter**  
**and Paul Fantz**  
**Filed : 10/01/2003**  
**TC/A.U. : 3644**  
**Examiner : F. Palo**  
**Title : PLANT PACKAGE WITH DECORATIVE COVER**

**Docket No. : 8403.970**  
**Customer No. : 30589**

**Mail Stop RCE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. §1.114, for the above-identified application.

**Warning:** 35 U.S.C. 132(b) and § 1.114 provide for the continued examination of an application and **not** examination of a continuing application. Accordingly, the Office will not permit an application to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined.

**Warning:** A continued examination request **cannot** be made if at least one office action under 35 U.S.C. 132 or a Notice of Allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination or (4) an application for a design patent. (37 CFR 1.114(d)).

**Note:** There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000.

**Note:** Unlike a continuation application, a continued examination request **can** utilize the mailing procedure of 37 CFR 1.8.

## **TIME REQUEST IS BEING MADE**

2. This request is being submitted prior to:

- i. ☒ abandonment of the application
  - ii. ☐ Payment of the Issue Fee:
    - ☐ Prior to payment of the Issue Fee
    - ☐ Issue Fee has been paid but a petition under §1.313 has been granted
  - iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals and Interferences
    - ☐ A notice is being separate sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- Note: If such a notice is not sent to the Board, then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 146.*
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146
    - ☐ Prior to the filing of such appeal or commencement of civil action.
    - ☐ Such appeal or commencement of civil action has been terminated.



## ENCLOSURES

3. Enclosed herewith:

**WARNING:** If reply to a final or non-final Office Action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 37 C.F.R. § 1.114(b).

☐ Information Disclosure Statement ( 37 CFR § 1.98)

☐ Form PTO-1449

☒ Amendment/Response

☒ New Arguments

☐ New evidence in support of patentability

☒ Other: Extension of Time

## FEE FOR REQUEST

4. This application is on behalf of:

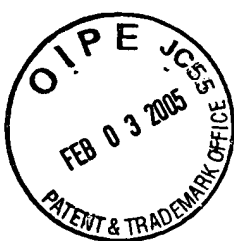
☐ Small Entity (and status is still as small entity) \$395.00

☒ Other than a small entity: \$790.00

Continued Prosecution Request Fee: \$ 790.00

**NOTE:** The fee for continued examination under § 1.114 (§ 1.17(e)) does not include additional claims fee.

*The filing fee for a continued prosecution application filed under this paragraph is: (i) the basic filing fee as set forth in § 1.16; and any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which Applicant has requested to be entered in the continued prosecution application.*



## FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	CLAIMS AFTER RESPONSE	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL	10	20	0	X25 = \$00.00	X50 = \$
INDEP.	1	3	0	X100 = \$00.00	X200 = \$
PRESENTATION OF MULTIPLE DEP. CLAIM				X180 = \$00.00	X360 = \$
TOTAL ADDITIONAL FEE				\$00.00	\$00.00

☒ No additional fee is required

Or

☐ Total Additional Fee Required: \$\_\_\_\_\_

## EXTENSION OF TIME

6. Extension of Time

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(5), for the total number of months checked below. **PLEASE CONSIDER THIS A PETITION THEREFOR.**



EXTENSION FOR (Months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
[ ] One month	\$120.00	\$60.00
[ ] Two months	\$450.00	\$225.00
[ X ] Three months	\$1,020.00	\$510.00
[ ] Four months	\$1,590.00	\$795.00
[ ] Five months	\$2,160.00	\$1,080.00

[ ] An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ Is deducted from the total fee due for the total months of extension now requested.

[ X ] Extension fee due with this request: \$ \$1,020.00

**OR**

- a. [ ] Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant inadvertently overlook the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

**WARNING:** The fee for continued examination under § 1.114 may not be deferred.

7. The total fee(s) is/are:

Continued Prosecution Fee (§ 1.17e) \$ 790.00

Fee(s) for additional claims (if any) (§ 1.16(b)-(d)) \$ \_\_\_\_\_

Extension of Time fee (if any) (§ 1.17(a)(1)-(5)) \$ 1020.00



### **PAYMENT OF FEES DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ [ X ] The Commissioner is hereby authorized to charge \$ 790.00 to cover the Continued Prosecution fee.
- ☐ [ ] The Commissioner is hereby authorized to charge \$ .00 to cover the fees for the additional claims.
- ☒ [ X ] The Commissioner is hereby authorized to charge \$ 1,020.00 to cover the fee for the Extension of Time.
- ☒ [ X ] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment.

### **INVENTORSHIP**

9. This Application as amended names as inventors:

- ☒ [ X ] the same inventors as previously designated for the claims.
- ☐ [ ] fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ [ ] a person not named previously as an inventor and a petition under 37 CFR §1.48 is/has separately ☐ [ ] being filed ☐ [ ] been filed.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathryn L. Hester", written over a horizontal line.

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